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a will specifies certain corporate purposes, diversion of the fund to others is not *ultra vires*, and authorities enforcing these restrictions on the ground of trust are almost countless. *President, etc., of Harvard College v. Society for P. T. E.*, 69 Mass. 280. It is noticeable that if a trust was intended in *Sherman v. Mitchell*, *supra*, it was, by the Maryland rule, void for uncertainty. *Needles v. Martin*, 33 Md. 609. The New York cases which *Matter of Griffin*, *supra*, follows were in like circumstance. *Wetmore v. Parker*, 52 N. Y. 450; *Bird v. Merkle*, 144 N. Y. 544. So too the only other case found in accord with the principal cases. *Executors of McDonough v. Murdoch*, 15 How. 367, 380. *Sherman v. Mitchell*, *supra*, annexes a condition to the bequest, presumably in favor of the estate. This, even if legally conceivable, only approximates the testator's intention, for that was, as the court agrees, to exclude his next of kin. The construction as a whole is merely a convenient device to save as a gift a charitable bequest which would fail as a trust. A statute similar to that now in force in New York is a more scientific remedy.

REVIEWS.

THE LIABILITY OF MUNICIPAL CORPORATIONS FOR TORTS. By Waterman L. Williams. Boston: Little, Brown & Co. 1901. pp. xxxix, 345. 8vo.

The subject of municipal liability for tort, with its somewhat peculiar and special doctrines and its frequent conflicts of authority, presents an especially fruitful field for a text writer, and one in which there has been but little fundamental investigation. Its basic principles involve the underlying theories of government and society. Its application, however, is of great practical importance, especially in view of the growing socialistic tendency of our municipalities to branch out into new classes of public enterprise. In the present volume, Mr. Williams has given us a most excellent handbook and practical treatise upon this latter and every-day side of the subject. He has clearly stated the main principles and graphically applied them to the different classes of cases that arise, so that many of the conflicts are explained, or at least shown to be only the results of difficulties in applying these principles to complicated questions of fact. The whole subject is covered with much thoroughness and detail, with a full citation of cases upon all the different topics. Statutory liability for tort, especially in relation to public highways, is also extensively discussed. The book will thus prove valuable to any practitioner who deals with this branch of the law.

But to the legal student this work is somewhat disappointing. We cannot believe that the topic has reached its final crystallization. Hence a thorough investigation and development of the fundamental principles in the light of new analogies and with new applications would not only prove of great scientific interest, but would be most important in establishing rules of liability upon a clearer and more satisfactory basis. By confining himself less closely to the statement of the law and by giving more attention to this more important phase of the subject, the author would have rendered a much more important service to the profession.

W. H. H.